

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PETER R. D'AMBROSIO, as
Administrator of the Estate of
Daniel Michael D'Ambrosio,
Deceased, and in his own right, and
MARCIA A. D'AMBROSIO, in her
own right

Plaintiffs

vs.

HAWKER BEECHCRAFT
CORPORATION,
RAYTHEON COMPANY,
and
BAE SYSTEMS PLC

Defendants

Civ. No. 5:10-CV-04848-RBS

FILED

JAN - 4 2012

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

NOTICE OF DISMISSAL OF BAE SYSTEMS, PLC WITHOUT PREJUDICE

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Defendant, BAE Systems PLC shall be dismissed from this lawsuit, without prejudice; and

PLEASE TAKE FURTHER NOTICE that Plaintiffs reserve the right to re-institute the dismissed claims against BAE Systems PLC up until 60 days after the end of fact discovery, and BAE Systems PLC hereby waives the statute-of-limitations defense with regard to the renewed claims for this limited time period, and

PLEASE TAKE FURTHER NOTICE that BAE Systems PLC's entering into this stipulation does not in any way waive BAE Systems PLC's objections to personal jurisdiction in the Commonwealth of Pennsylvania, and Plaintiffs will not argue that by entering into this stipulation BAE Systems PLC has waived its jurisdictional objections, which are expressly preserved; and

PLEASE TAKE FURTHER NOTICE that should Plaintiffs choose to reinstitute their claims against BAE Systems PLC, and it is determined that BAE Systems PLC is subject to personal jurisdiction in Pennsylvania, Plaintiffs shall not be prejudiced and shall be entitled to conduct discovery against BAE Systems PLC, including, but not limited to, the taking of depositions, requests for documents, admissions, and/or answers to interrogatories, and inspecting premises and equipment; and

PLEASE TAKE FURTHER NOTICE that in consideration of Plaintiffs' dismissal of their claims against BAE Systems PLC, without prejudice, BAE Systems PLC will not raise the defense of insufficient service of process; and

PLEASE TAKE FURTHER NOTICE that should Plaintiffs choose to reinstitute their claims against BAE Systems PLC, counsel for BAE Systems PLC agrees to accept service of process on behalf of the company and counsel's acceptance of service of process does not in any way waive BAE Systems PLC's objections to personal jurisdiction in the Commonwealth of Pennsylvania, and Plaintiffs will not argue that by permitting counsel to accept service of process on behalf of BAE Systems PLC, BAE Systems PLC has waived its jurisdictional objections, which are expressly preserved.

MARSHALL, DENNEHEY, WARNER
COLEMAN & GOGGIN

BY: 

JAMES G. LARE, ESQ.
ANGELINE C. PANEPRESSO, ESQ.
1845 Walnut Street, 18th Floor
Philadelphia, PA 19103
215-575-2600

Date: 10-29-10

*Attorneys for Plaintiff's Peter R.
D'Ambrosio and Maria A. D'Ambrosio*

ANSA ANNUNCIATO, LLP

BY: 

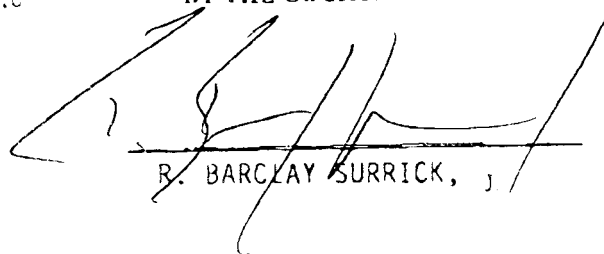
O. DANIEL ANSA
ROMAN T. GALAS
Four Penn Center, Suite 900
Philadelphia, PA 19103

Date: 10-29-10

*Attorneys for Defendant
BAE Systems, PL*

DATE: Nov. 29, 2010

BY THE COURT:


R. BARCLAY SURRICK, J.